

Court No. - 15

Case :- CRIMINAL APPEAL No. - 2965 of 2023

Appellant :- Rakesh Kumar Singh @ Rakesh Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Lko. And Another

Counsel for Appellant :- Prem Prakash Singh, Ajmal Khan

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Heard learned Counsel for the appellant, Shri Ashok Kumar Srivastava, learned A.G.A-I for the State and perused the material placed on record.

This Criminal Appeal under Section 14-A (i) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act has been preferred against the impugned order dated 25.09.2023 passed by learned Special Judge, S.C./S.T. Act, District-Ambekar Nagar by means of which non bailable warrant has been issued against the appellant in SC/ST Case No.75/2022 in Case Crime No.125/2022, under Section 323, 504 and 506 I.P.C. and Section 3(1)(r), 3(1)(s) of SC/ST Act.

Learned Counsel for the appellant submits that on 25.09.2023 Examination in Chief of P.W.1 was done by the prosecution and thereafter, learned counsel for the appellant appearing on his behalf in the court below was called for cross examination of P.W.1 but he could not cross examine the P.W.1 on the said date as he was busy in another court. He further submits that learned Counsel for the appellant appearing on his behalf in the court below has sent his junior before learned court below for seeking adjournment and for fixing another date for cross examination but it was refused by learned court below. Adding to his arguments, he further submits that learned court below has rejected the application of the appellant for exemption from personal appearance and issued non bailable warrant against him, thus, he submits that one more opportunity may be given to learned Counsel for the appellant appearing on behalf of the appellant in the court below to cross examine the P.W.1.

Learned A.G.A-I submits that in the interest of justice, only one more opportunity may be given to learned Counsel for the appellant appearing on behalf of the appellant in the court below to cross examine the P.W.1 before the court below.

After considering the arguments as advanced by learned Counsel for the parties and perusal of the impugned order one more opportunity is being given to learned Counsel for the appellant appearing on behalf of the appellant in the court below to cross examine the P.W.1 in the court below.

In view thereof, learned Counsel for the appellant appearing on behalf of the appellant in the court below alongwith the present appellant is directed to appear before the court below on 02.11.2023 to cross examine the P.W.1. Accordingly, the impugned order dated 25.09.2023 is modified to the extent.

It is made clear that on the date fixed i.e. on 02.11.2023 no request for adjournment by either of the parties shall be entertained.

In default of above conditions, the court below may proceed in accordance with law.

With the aforesaid observations/directions, the present appeal finally stands **disposed of**.

Order Date :- 19.10.2023

Piyush/-